



The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
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July 16, 2015

Steven Messinger
1216 University Avenue
Morgantown, WV 26505

RE: CU15-06 / Messinger / 1216 University Avenue

Dear Mr. Messinger:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced petition for Conditional Use approval for an "Automobile Repair Shop, Incidental" at 1216 University Avenue.

The decision is as follows:

Board of Zoning Appeals, July 15, 2015:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved Case No. CU15-06 with the following conditions:
 - a. That all storage associated with the conditional "Incidental Automobile Repair Shop" use shall be indoors.
 - b. That all aspects of the conditional "Incidental Automobile Repair Shop" use shall be conducted within the principal structure.
 - c. That the "Incidental Automobile Repair Shop" use shall not handle, process, or store hazardous substances.
 - d. That the conditional use approval granted herein is specific to the petitioner and may not be transferred.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that a building permit for signage must be issued prior to the erection of any regulate signs.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,

Stacy Hollar
Executive Secretary

**ADDENDUM A – Approved Findings of Fact
CU15-06 / Messinger / 1216 University Avenue**

<u>Finding of Fact No. 1</u> – Congestion in the streets is not increased, in that:
On-site parking is provided on the site, which is not required for the use in the B-4 District. Traffic generation associated with the daily operation of the “Incidental Automobile Repair Shop” use is not anticipated to negatively contribute to traffic congestion on surrounding roadways.
<u>Finding of Fact No. 2</u> – Safety from fire, panic, and other danger is not jeopardized, in that:
Conformity with relevant Building and Fire Codes will be required as a part of Certificate of Occupancy issuance. Additionally, the Board’s condition prohibiting the handling, processing, or storing of hazardous substances serves to further this objective.
<u>Finding of Fact No. 3</u> – Provision of adequate light and air is not disturbed, in that:
No physical addition to the existing structure is proposed that would alter current sunlight distribution or airflow trends within the immediate area.
<u>Finding of Fact No. 4</u> – Overcrowding of land does not result, in that:
The proposed “Incidental Automobile Repair Shop” use will occupy an existing commercial tenant space within an established principal structure.
<u>Finding of Fact No. 5</u> – Undue congestion of population is not created, in that:
This retail location is expected to have a low volume of customers. The parking available in the front of the location appears to be adequate to support the volume of customers. The proposed conditional use request does not contain a residential use component.
<u>Finding of Fact No. 6</u> – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:
The proposed “Incidental Automobile Repair Shop” use will be located within an existing commercial tenant space and is not anticipated to require public services beyond that which is currently available within the immediate area.
<u>Finding of Fact No. 7</u> – Value of buildings will be conserved, in that:
The proposed “Incidental Automobile Repair Shop” use appears to be compatible with surrounding uses and will occupy an existing commercial tenant space that includes an existing garage door that can be used to incidental installation services thereby ensuring that the use and related storage remains inside the principal structure.
<u>Finding of Fact No. 8</u> – The most appropriate use of land is encouraged, in that:
There is a similar business within the same area of the proposed location, for which conditional “Incidental Automobile Repair Shop” use approval was granted on 21 MAR 2012 under Case No. CU12-03.